

### DETAILED ACTION

1. The office action is responsive to communication filed on July 13, 2009.

#### *Election/Restrictions*

2. The amendment filed on July 13, 2009 presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because they present subject matter different in scope and content than the previously presented claims. For instance, the previous claims 1 and 2 recited an image sensor and a separate display, wherein a sensing device to which said image sensor is coupled operates independently of a display device to which said separate display is coupled. In the reply filed September 22, 2008 Applicant cited support for this limitation at page 10, lines 13-28 and figures 9 and 10 of the specification. Figures 9 and 10 and page 10, lines 13-28 of the specification clearly indicate a camera and a physically separate display connected by "a cable, optical line, memory device or any of numerous other couplings known in the art". In the reply filed July 13, 2009, the independent claims have been amended to recite "wherein said image sensor, said display, said image sensor orientation sensor, said display orientation sensor, said image transfer memory and said image manipulator **are co-located within a single enclosure**". A digital imaging system comprising a sensing device containing an image sensor and a separate independently operating display is not connected in any of design, operation or effect with a digital imaging system wherein said image sensor, said display, said image sensor orientation sensor, said display orientation sensor, said image transfer memory and said image manipulator **are co-**

**located within a single enclosure.** Therefore, the previously submitted claims and the newly submitted claims are directed toward different inventions.

3. There is an examination and search burden for these patentably distinct species due to their mutually exclusive characteristics. The species require a different field of search (e.g., searching different classes/subclasses or electronic resources, or employing different search queries); and/or the prior art applicable to one species would not likely be applicable to another species; and/or the species are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

4. In addition, the Examiner has been unable to find support for the claimed “said image sensor, said display, said image sensor orientation sensor, said display orientation sensor, said image transfer memory and said image manipulator **are co-located within a single enclosure**” in the portions of the specification referenced by Applicant (e.g. Page 8 In. 13-17, Page 8 In. 25-31, Page 10 In. 30-31, and Page 11 In 1-8). If Applicant attempts a traversal of this election/restriction, an explanation of where the claimed “said image sensor, said display, said image sensor orientation sensor, said display orientation sensor, said image transfer memory and said image manipulator **are co-located within a single enclosure**” is supported under 35 U.S.C. 112 is necessary to aid in further prosecution.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the

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omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALBERT H. CUTLER whose telephone number is (571)270-1460. The examiner can normally be reached on Mon-Thu (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AC

/Sinh Tran/

Supervisory Patent Examiner, Art Unit 2622